

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

GARY JONES,

Plaintiff,

vs.

TURNKEY MEDICAL STAFF OF
YELLOWSTONE COUNTY DETENTION
FACILITY and JANE DOE,

Defendant.

CV 24-57-BLG-DWM

ORDER

Plaintiff Gary Jones filed a Complaint related to his medical treatment at Yellowstone County Detention Facility (“YCDF”) in Billings, Montana (Doc. 1). Jones’ Complaint failed to state a federal claim for relief, and Jones was directed to amend, if he was able to correct its deficiencies. (Doc. 11.) Jones filed an Amended Complaint. (Doc. 12.) It, too, fails to state a claim and is dismissed.

Jones is an inmate proceeding in forma pauperis so the Court must review his Amended Complaint under 28 U.S.C. § 1915 and § 1915A. Sections 1915A(b) and 1915(e)(2)(B) require the Court to dismiss a complaint filed in forma pauperis and/or by a prisoner against a governmental defendant before it is served if it is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief.

The Court's prior Order explained in detail Jones' failure to state a claim. In particular, delayed treatment of a sprained ankle did not rise to the level of a constitutional violation, without more. Nor did Jones identify any individuals who evinced deliberate indifference to his health condition. In his Amended Complaint, he adds two ignored colds to his asserted disregarded health concerns. (Doc. 12 at 4.) He also has identified one defendant, not by name but by description, who told him the medical staff had never received his requests. He has failed to allege facts that show Defendants were deliberately indifferent to his serious medical need.

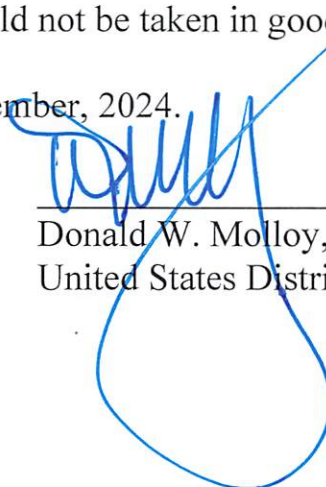
For the reasons stated in the Court's prior Order, Jones has failed to state a claim for a violation of his constitutional right to medical care. His Amended Complaint is dismissed.

Accordingly, it is HEREBY ORDERED:

1. Jones' Amended Complaint is DISMISSED for failure to state a claim.
2. The Clerk of Court is directed to close this matter and enter judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.
3. The Clerk is directed to have the docket reflect that the dismissal of this action counts as a strike within the meaning of 28 U.S.C. § 1915A.

4. The Clerk of Court is directed to have the docket reflect that the Court certifies pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure that any appeal of this decision would not be taken in good faith.

DATED this 17th day of December, 2024.



Donald W. Molloy, District Judge
United States District Court